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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

April 29, 1994

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, DC 20554

**EX PARTE
PRESENTATION**

Re: Gen. Docket No. 90-314

Dear Mr. Caton:

Pursuant to 47 CFR § 1.1206, we hereby submit two copies of a written ex parte presentation in the above-referenced proceedings, addressed to Chairman Reed E. Hundt with copies to Commissioners Quello and Barrett and to Thomas Stanley, Chief of the Office of Engineering and Technology.

Sincerely,



Albert H. Kramer
Attorney for the North American
Telecommunications Association

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April 29, 1994

HAND DELIVERED

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, DC 20554

**EX PARTE
PRESENTATION**

Re: Gen. Docket No. 90-314

Dear Chairman Hundt:

In deciding the pending petitions for reconsideration of the Second Report and Order in these proceedings, the North American Telecommunications Association ("NATA") urges you to preserve the existing 40 MHz allocation at 1890-1930 MHz for unlicensed personal communications service (PCS).

NATA is a trade association of manufacturers, suppliers, distributors, and users of business telecommunications equipment. Founded in 1970 by Tom Carter, inventor of the Carterfone, NATA exists to support healthy sales and support channels for users of business communications products and services. NATA's members are developing wireless PBX equipment and other wireless voice and data communications products. NATA has participated in these proceedings from the beginning, and has actively participated in the organization of the Unlicensed PCS Ad Hoc Committee for 2 GHz Microwave Transition and Management (UTAM).

In providing a relatively modest 40 MHz allocation for unlicensed PCS, the Commission has opened the way for new services and technologies that will enhance business efficiency and stimulate economic growth. Unlicensed PCS products made possible by the Commission's decision include advanced cordless telephones, fax and data communications devices, wireless PBXs and LANs, and a wide variety of specialized devices for business, medical, educational, and consumer communications applications. As the record of these proceedings shows, such unlicensed PCS products

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The Honorable Reed E. Hundt
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will permit an explosion of innovative "wireless office" applications. Many of these applications cannot be effectively provided as licensed PCS services. Thus, the Commission's allocation of 40 MHz of spectrum for unlicensed use is necessary to complement the much larger set of frequencies allocated for licensed PCS. Reducing the unlicensed PCS allocation would jeopardize the ability of manufacturers to deliver unique and innovative products for the wireless market.

Equally important, the Commission should not alter its decision to allocate to unlicensed PCS a block of spectrum that includes the relatively lightly loaded 1910-1930 MHz band. From the beginning of this rulemaking, the Commission recognized that unlicensed PCS operations face special interference issues -- hence the need for the special industrywide spectrum-clearing mechanism embodied in UTAM. Inclusion of the lightly loaded band in the unlicensed PCS allocation will enable the industry to clear a significant block of spectrum at an early stage. This, in turn, will allow sufficient sales of unlicensed products to generate the funds needed for full spectrum clearing.

Allocating the lightly loaded block to unlicensed PCS is fair because all industry participants (including licensed PCS providers) will have an opportunity to market products for unlicensed use. The lightly loaded 1910-1930 MHz band will not be reserved for a specially privileged group of PCS licensees.

NATA also urges the Commission to maintain the existing evenhanded allocation of frequencies between asynchronous (primarily data) and isochronous (primarily voice) unlicensed PCS products. Under the current allocation, each of the two types of unlicensed PCS products is allocated 20 MHz of spectrum, including 10 MHz of lightly loaded frequencies. This evenhanded approach should be preserved. It is not appropriate to allocate all the lightly loaded frequencies to a particular technology type, especially since there has not been sufficient marketplace experience to demonstrate which of the technologies is best adapted to unlicensed PCS applications.

Changing the unlicensed PCS allocation will not speed the deployment of "nomadic" (i.e., uncoordinatable) unlicensed devices, as Apple Computer, Inc. contends. All manufacturers want to introduce "nomadic" products (asynchronous and isochronous), because "nomadic" products will be more convenient for users than "non-nomadic" products. However, as all parties agree, "nomadic"

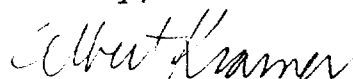
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devices cannot be introduced until the frequency band in which they will be deployed is fully cleared. A substantial portion of the funds for band clearing must be recovered before band clearing is completed, and the only known way to achieve this is to allow the sale of "non-nomadic" products to generate band-clearing funds during the transition period. Non-nomadic products are as likely to be isochronous as asynchronous. Thus, the way to ensure earliest feasible deployment of "nomadic" products is not to exclude isochronous products from the lightly loaded frequencies where unlicensed products must be initially deployed. This would dramatically increase the difficulty of raising any band clearing funds from early product sales. Rather, manufacturers should work together in UTAM -- an open membership organization -- to design the most effective mechanism for raising the necessary funds to clear the unlicensed bands as quickly as possible for all types of products.

In summary, NATA urges you (1) to preserve the existing allocation of 40 MHz to unlicensed PCS, (2) to preserve the location of this unlicensed PCS allocation in a frequency block that includes the lightly loaded 1910-1930 MHz band, and (3) to preserve the evenhanded division of the unlicensed PCS allocation between asynchronous and isochronous technologies.

Sincerely,



Albert H. Kramer

Attorney for the North American
Telecommunications Association

cc: Commissioner Quello
Commissioner Barrett
Thomas Stanley
William Caton